

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,

v.

Rolando Verdines Yopez,

Defendant.

Cr. No. 3:09-612-CMC

Opinion and Order

This matter is before the court after Defendant's appeal of this court's denial of his *pro se* motion to reduce sentence under Amendment 782 (ECF No. 220). On appeal, the Fourth Circuit concluded Defendant is eligible for consideration of a sentence reduction under Amendment 782, and vacated and remanded back to this court for further proceedings. ECF No. 241.

On February 15, 2018, Defendant, through counsel, filed a new motion for reduction of sentence under Amendment 782. ECF No. 251. Defendant argued he is eligible for consideration for a sentence reduction to a range of 108-135 months. In response, the Government noted the court is "authorized, but not required," to reduce Defendant's sentence, agreeing he was eligible for a sentence reduction. ECF No. 252. The Government did not object to a lesser sentence, including a time-served sentence. *Id.* at 6.

After considering the Fourth Circuit's opinion and the factors enumerated in § 3553(a), the court has exercised its discretion to determine a reduction in sentence to time-served is appropriate. Due to the length of the sentence already served and Defendant's minimal criminal history before the instant offense, Defendant's motion (ECF No. 251) is granted and his sentence is hereby reduced to time-served.

IT IS SO ORDERED.

Columbia, South Carolina
March 8, 2018

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge